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SIE-121

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: CHRISTIAN PREHOFER Serial No.: 09/744,829 Filed: April 3, 2001 For: METHOD FOR RE-ROUTING DATA PACKETS ONTO AN ALTERNATIVE NETWORK	RECEIVED DEC 20 2004 Technology Center 2600 Art Unit: 2664 Examiner: SHAH, Chirag G.
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REQUEST FOR RECONSIDERATION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests reconsideration of the claim rejections set forth in the Office Action mailed September 20, 2004.

In the Office Action, claims 13-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Riggan et al. in view of Farris et al. This ground of rejection is respectfully traversed for the following reasons.

The present invention is directed to a unique data routing methodology by which data that is appropriately designated is re-routed, from a packet-switching network, to an alternative network, which is more suitable to provide an expected level of quality of service.

In accordance with the inventive method as recited in claim 1, there is provided at least one source node and at least one destination node that are each respectively one of either directly

or indirectly connected to an access node via at least one intermediate node, the access node being capable of setting up a connection both to a packet-switching network and to one of at least one alternate network. See the topology depicted in the drawing of the present application.

Claim 1 further recites:

identifying only by a respective bit pattern known to the access node the data packets to be routed via an alternate network in the source node by a bit pattern known to the access node that is connected to the source node either directly or indirectly via at least one intermediate node;
recognizing said known bit pattern upon arrival of such data packets in the access node; and
re-routing the data packets identified with only the known bit pattern onto an alternate network.

Thus, the method of claim 1 identifies and routes data packets via an alternate network (e.g., AN1 in the drawing) based only on a bit pattern that is included with the data packets.

In contrast, Riggan et al., the primary reference relied upon in the Office Action, is expressly directed to first monitoring whether bandwidth utilized by an ATM network falls above or below a predetermined threshold. If there is insufficient bandwidth, only then is data routed to an appropriate secondary or alternate network based on the type of data to be routed. An alternative embodiment is also disclosed by Riggan et al. in which predictive statistical analysis is employed to identify time periods during which an ATM user most frequently exceeds a bandwidth limit. The reference states: "The controller automatically reroutes specific types of traffic during specific time periods regardless of the actual measured bandwidth level." See col. 5, lines 32-40. Thus, unlike the presently claimed method, which identifies packets for rerouting based ONLY on a bit pattern, Riggan et al. disclose rerouting packets after first

analyzing available bandwidth, or after first designating time periods during which rerouting should occur. In other words, Riggan et al. do not disclose re-routing based only on bit pattern. Riggan et al. necessarily require other steps or actions in order to route packets via an alternative pathway. Farris et al. do not overcome this deficiency.

Thus, for this reason alone, the claims of the present application should be allowable over the prior art of record.

Applicant also points out that several of the dependent claims should be allowable over the applied prior art.

For example, claim 21 provides for preventing the re-routing of a data packet onto at least one alternate network, if after recognition of such a bit pattern of a data packet to be routed via the at least one alternate network in such an access node, the at least one alternate network cannot offer the quality corresponding to the bit pattern.

However, neither Riggan et al. nor Farris et al. describe anything like this feature. The portion of Riggan et al. cited in the Office Action simply describes how data is routed back to the ATM network. This passage says nothing about preventing a data packet to be routed to the alternate network in the first place if that alternate network cannot offer a quality corresponding to a bit pattern associated with the data packet. Thus, claim 21 should be patentable over Riggan et al. and Farris et al.

Finally, claims 22 and 23 recite a step of waiting for an "acknowledge" from, respectively, a destination node or a network node of at least one alternate network. Step 416 of Figure 5 of Riggan et al. is cited as allegedly disclosing these features of the present invention.

However, this step is described by Farris et al. as establishing relevant virtual path and virtual channels to accomplish transfer to an end node. See col. 9, lines 58-60. There is no discussion or suggestion of the acknowledge limitation recited in claims 22 and 23. Accordingly, these claims should also be patentable over a combination of Riggan et al. and Farris et al.

In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicant's undersigned representative at the number listed below.

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Respectfully submitted,

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